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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/368,503 08/05/99 JONES

L 51291.81516

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PM82/0305

EXAMINER

BANNER & WITCOFF LTD
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BATSON, V	
ART UNIT	PAPER NUMBER

3671
DATE MAILED:

VA

03/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/368,503

Applicant(s)
JONES ET AL.

Examiner
VICTOR BATSON

Group Art Unit
3671



☒ Responsive to communication(s) filed on Dec 4, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-73 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-66 and 68-72 is/are allowed.

☒ Claim(s) 67 is/are rejected.

☒ Claim(s) 73 is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Copy of Patent

1. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 67 is rejected under 35 U.S.C. 102(b) as being anticipated by Jones et al. (4,433,496).

Jones et al. discloses a lock having all of applicant's claimed structure including a opposite front 36 and rear (considered the area of C-clamp 26 that opposes areas 20 & 21) bearing faces wherein the front face is adapted to oppose the boss (considered the mounting area of lip 10), and the rear face is adapted to oppose the wear member 16 to maintain the coupling of the wear member to the boss, with an adjustment assembly 33 for selectively varying the relative positions of the front and rear bearing faces. Jones et al. further discloses a projection (considered the top & bottom outer sections of the C-clamp 26)

that cooperate with a keeper structure (considered faces 24 & 25) to hold the lock in the opening in the wear member as shown in figure 1.

Allowable Subject Matter

4. Claims 1-66, 68-73 are allowed.

Response to Arguments

5. Applicant's arguments filed 13 regarding claims 67 & 69 have been fully considered but they are not persuasive. Applicant argues that the surface of the C-clamp that opposes areas 20-21 does not bear on any other surface and therefore Jones et al. '496 does not anticipate claim 67. Applicant's arguments however are more limiting themselves as applicant claims a bearing surface, but does not claim that the bearing surface bears on or touches any specific member while it is installed.

final Rejection

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire

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Art Unit: 3671

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on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiries

7. Any inquiry concerning this communication should be directed to Examiner Victor Batson whose telephone number is (703) 305-6356. The examiner can be normally reached Monday through Friday (except Wednesday) from 7:00 am to 5:00 pm, Eastern Standard Time.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will, can be reached on (703) 308-3870. The fax phone number for this Group is (703) 305-3597.

March 1, 2001


Victor Batson
Primary Examiner
Art Unit 3671